



# ECF NEWS from Nation's Capitol

## United States District Court for the District of Columbia

### LAW FIRMS URGED TO HAVE THEIR OWN IN-HOUSE ECF TRAINER

For nearly five years, the Clerk's Office has been offering ECF Training at law firms and government agencies as well as on-site at the Courthouse. Although training will continue at the Courthouse, all firms/agencies are urged to have their own in-house ECF Trainer.

If a trainer is currently in place or if one has been appointed, the individual(s) should contact Joe Burgess, the ECF Coordinator, who will assist them with preparations to train their organization. This program, "Train the Trainer," will be offered for the next three months and the trainers can signup for training on the court's website for dates

that will be set aside.

When updates to the software occur, the ECF Coordinator at the courthouse will contact the trainers to schedule training to the courthouse to update their skills.

The trainers will be part of a listserv which will notify them of updates to the software and other helpful information that should be shared with the organization.

Currently, version 3.0 of the software will provide some features that will be helpful to all of the organizations who do electronic filing.

Joe Burgess can be contacted through his email address at

Joe\_Burgess@dcd.uscourts.gov or by telephone at (202) 354-3172.

The Clerk's Office has been very pleased with the improvements being made by the filers. Most errors are being made by those who are either not trained, by those who guess at the events, or those who hurriedly file their pleadings to meet a deadline. We still have filing pointers online to assist the users and as well, we have provided in the newsletter herein an attorney checklist for assisting filers. Nothing, however, is more successful than to take advantage of the help desk [criminal (202) 354-3060; civil (202) 354-3190] during normal business hours.

June 2006

Volume 2, Issue 1

#### Inside this issue:

Law Firms Urged to have trainer	1
Disappearing Dockets	1
Filing Fees Raised	2
Administrative Record Require-	3
Spreading Docket Text	3
Filing Tips	4

### DISAPPEARING DOCKETS CAUSE NATIONAL CONCERN

Over the past few months, our Court has been under increased scrutiny by the press regarding our handling of sealed material. Our practice, since we began CM/ECF regarding sealed material, was to follow the guidelines established by a focus group comprised of Courts throughout the country whose guidelines we adopted. The history of the

*"When the public dockets have 'Holes' the public's right to open judicial processes is jeopardized."*

*From a cover story in The News Media and the Law Winter 2006, Volume 30, No 1, Page 4 written by Kirsten Mitchell and Susan Burgess*

decision is based upon the concern of the courts for the safety of the parties. It is a rare circumstance that our court would seal any case other than qui tam or criminal cases involving cooperators. The Court's practice of indicating "no such case", which creates holes in the docket for sealed cases has been changed. Users now are informed that the cases are "Sealed v. Sealed. Unavailable to the Public."

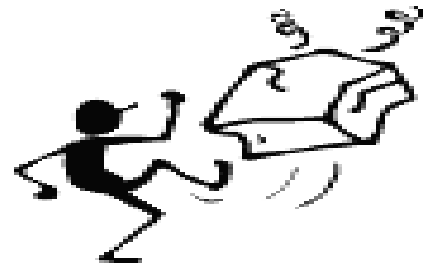
## **UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA INCREASE IN FEES**

Effective April 9, 2006, the civil action filing fee in District Courts will increase from \$250.00 to \$350.00. Additionally, the Court of Appeals filing fee will increase from \$250.00 to \$455.00.

The fee increase is a result of the Deficit Reduction Act of 2005 signed by the President on February 8, 2006.

## **CERTAIN PDF DOCUMENTS REJECTED**

The Administrative Office of U.S. Courts has incorporated into our software a mechanism which rejects PDF Documents with tags. The problem occurred as a result of the development by Remote Approach, who developed a PDF Tracking Software Program that performed document distribution management of PDF Files.



The software enabled document distributors to add tags to their PDF documents to determine if PDF documents were being read, downloaded, forwarded, as well as not being viewed.

Users will receive the following message if a document is not an accepted PDF Document- "ERROR: Document contains code which may cause an external action (such as launching an application). This PDF document cannot be accepted.

If the PDF Document contains any password security, or embedded JavaScript that use the Open Action syntax, they will not be accepted with the filing. If the PDF Document is rejected please call your PDF software vendor for assistance.

## ADMINISTRATIVE RECORD REQUIREMENTS

The Clerk's Office has recently received a flurry of calls regarding the filing of Administrative Records. Local Rule 5.4 (e)(1) specifically states that "Exhibits or attachments that exceed 500 pages (including administrative records and records of state court proceedings may be filed in paper form.)" This means that any exhibit

that is less than 500 pages must be filed in full electronically. Recently, the matter was reviewed by the ECF Bar Advisory Committee and it was decided that the current Local Rule should remain as written.

Only administrative records over 500 pages may be filed in paper format. When the re-

cord is over 500 pages, the user must file a notice of filing the administrative record as an electronic attachment. (See page 44 of the User's Manual). Additionally, the filer must bring a copy of the notice with the documents to the Court for public viewing and provide the Court and counsel a copy of the filing.

## SHOULD DOCKET TEXT SPREAD IN CASES???

The answer to this question is "No" in most instances. Spreading docket text is used in conjunction with consolidated cases. This function allows the user to docket to one case and apply the same docket entry to all the consolidated cases with one entry.

In the near future, related cases can be spread from one related case to

another. However, docketing text should never be spread without the permission of the Court. If not directed, counsel should seek guidance from the Clerk's Office as to whether to spread an entry. For instance, a judicial officer and counsel in a consolidation of

200 cases could in fact receive 200 emails every time an order or pleading is filed.

In most instances, the lead case functions as the proprietor of documents. The parties and counsel are generally added to the lead case for noticing purposes.



**SPREADING CAUSES PROBLEM**

**United States District  
Court**

E. Barrett Prettyman Building  
333 Constitution Avenue, NW  
Washington, D.C. 20001

Phone: 202-354-3000

Fax: 202-354-3123

E-mail: civil

dcd\_cmecf@dcd.uscourts.gov

E-mail: criminal

dcd

cmecf\_cr@dcd.uscourts.gov

**FOR FILING TIPS**

Please go to the following  
website

[http://www.dcd.uscourts.gov/  
ECF-Filing-Pointers.html](http://www.dcd.uscourts.gov/ECF-Filing-Pointers.html)



**FILING TIPS**

- *New menu item added called Additional attachment can be found Other Documents. This is to be used only when the attachments are too large to attach to the main pleading. It is not to be used for omission of exhibits—use errata or notice of filing for that function. In other words, the filer is permitted to file a subsequent filing immediately following the filing of the initial pleading if the size of the attachments do not permit the filing of the main document.*
- *Was the document accepted? If you have a doubt, before refilling check under Utilities and view the transaction log. If the document appears on the transaction log, it has been filed.*
- *In order for counsel in a Social Security case to be able to read an email, counsel must be logged into CM/ECF prior to clicking on the document number .*

## NEW FILING ASSISTANCE FOUND ONLINE

The Clerk's Office recently added to its website a filing checklist to assist filers from making docketing errors.

This idea was adopted from one developed by the U.S District Court

of Massachusetts.

Along with the filing pointers and the ten most common errors made by filers, we believe that we will see many improvements by our filers.

This document can be found online at the following website:

[http://  
www.dcd.uscourts.gov/  
attycheckofflist.pdf](http://www.dcd.uscourts.gov/attycheckofflist.pdf).